

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-11, 14-35 and 37 are pending. Claims 1, 6, 16, 22 and 31-35 are independent and are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1-11, 14-35 and 37 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,002,394 to Schein et al. (herein after, "Schein").

Applicant respectfully traverses this rejection.

Claim 1 is representative and recites, *inter alia*:

“... processing a plurality of commercial information . . .
...
... each of said commercial information provided by a commercial information sponsor of the program displayed at each program column is displayed successively in a single area of the display, shifted temporally from one another.” (emphasis added)

Applicant submits that Schein does not teach or suggest the above-identified feature of claim 1.

The commercial information provided by the commercial information sponsor is “each of said commercial information provided by a commercial information sponsor of the program displayed at each program column is displayed successively in a single area of the display, shifted temporally from one another . . .” as recited in claim 1. That is, a plurality of commercial data are automatically transmitted in response to the location of the cursor and each of the commercial data are successively displayed shifted in time from one another in a single area of the display. For example, a number of commercials are played one after the other, in turn, in the same area of the display.

Thus in the present application, the plurality of commercial information is successively displayed. That is, the commercials are displayed one after another displaced temporally from one another in the same area of the display. This distinguishes from Schein wherein commercial data is displayed in a vertical list or at the same time.

Thus, a plurality of commercial data can be displayed successively for a single program. Similarly, a plurality of commercial data for a single program can be displayed successively with being shifted temporally in the commercial data display area the displayed program guide. Pars. [0137], [0138] and FIG. 7A-7C.

There is no disclosure in Schein of the plurality of commercial data being displayed successively being shifted temporally from one another, in the same location of the display, as recited in claim 1. As shown in Fig. 21C of Schein and in related description above, items 2-6

are displayed at the same time in a vertical list. The Office Action contends that Schein discloses a plurality of menu items are successively displayed in a vertical sequence. This means the menu items are displayed on a plurality of areas at the same time. Regardless, Schein certainly does not disclose displaying the sponsor's commercials for one after the other in the same location.

In contrast, in the invention as recited in claim 1, a plurality of commercial information are not displayed on the single display at the same time but, rather, only a single commercial is displayed in a single area of the display at a time with the plurality of commercials displayed in the same area successively afterwards.

For at least this reason, Applicant respectfully submits claim 1 is patentable over the Schein reference.

Applicant believes independent claims 6, 16, 22 and 32-35 are allowable for substantially the same reason as claims 1.

III. REJECTIONS UNDER 35 U.S.C. §103

Claims 37 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Schein in view of U.S. Patent No. 6,052,554 to Hendricks et al. (herein after, "Hendricks").

Claim 37 depends from claim 34 and is believed allowable for at least the same reasons as discussed above with respect to claim 1. Hendricks does not add the elements missing from Schein.

IV. DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

V. MISCELLANEOUS

Applicant continues to take issue the Office Action characterization and expansion of the Schein disclosure with respect to the time component of “temporal.” However, in order to move prosecution forward, Applicant has amended the claims to obviate the need to settle the disagreement.

CONCLUSION


Claims 1-11, 14-35 and 37 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to be "PA", is written over the printed name "Paul A. Levy".

By: _____
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